

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RUEBEN RAY SMITHERMAN,)

Plaintiff,)

v.)

CASE NO. 2:05-cv-1222-MEF

PENNSYLVANIA LIFE INSURANCE)

COMPANY, individually and as)

successor in interest to EXECUTIVE)

FUND LIFE INSURANCE)

COMPANY,)

Defendant.)

REPORT OF PARTIES PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on February 24, 2006, with the following parties participating in said planning meeting:

J. Matthew Stephens, of McCallum, Methvin & Terrell, PC, as attorney for Plaintiff Rueben Ray Smitherman.

John A. Smyth III, of Maynard, Cooper & Gale, P.C., as attorney for Defendant Pennsylvania Life Insurance Company.

2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Local Rule 26.1(a)(1) on or before March 10, 2006.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

a. All discovery commenced in time to be completed by January 31, 2007.

b. Maximum of forty (40) interrogatories by each party to each party.
Responses and objections due thirty (30) days after service.

c. Maximum of forty (40) requests for admission by each party to each party.
Responses and objections due thirty (30) days after service.

d. Maximum of forty (40) requests for production of documents by each party to each party. Responses and objections due thirty (30) days after service.

e. Maximum of five (5) depositions by plaintiff and five (5) by defendants, subject to Federal Rule 30(d)(2).

f. Reports from retained experts under Rule 26(a)(2) due:
from plaintiff by November 29, 2006 (and experts made available for deposition by December 20, 2006).
from defendant by January 5, 2007 (and experts made available for deposition by January 31, 2007).

g. Supplementation under Rule 26(e) due immediately upon obtaining knowledge of the discoverable information in no event later than January 31, 2007.

4. Other Items.

a. The parties do not request a conference with the Court before the entry of a Scheduling Order.

b. Plaintiff should be allowed until August 31, 2006 to join additional parties and to amend the pleadings.

c. Defendant should be allowed until September 29, 2006 to join additional parties and to amend the pleadings.

- d. All potentially dispositive motions should be filed by February 16, 2007 (90 days prior to pre-trial conference).
- e. Settlement cannot be realistically evaluated prior to the completion of discovery.
- f. The parties request a final pretrial conference in May 2007 (four to six weeks of scheduled trial term).
- g. Final lists of trial evidence under Rule 26(a)(3), both witnesses and exhibits, should be due from the plaintiff and defendant thirty (30) days prior to trial.
- h. Parties should have fourteen (14) days after service of final lists of trial evidence to list objections under Rule 26(a)(3).
- i. The case should be ready for trial by June 4, 2007, and at this time is expected to take approximately 3 days to try.

Submitted this _____ day of _____, 2006.

/s/ John A. Smyth III
John A. Smyth III
Attorney for Defendant
Pennsylvania Life Insurance Company

OF COUNSEL:
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2602
Phone: (205) 254-1000
Facsimile: (205) 254-1999

/s/ J. Matthew Stephens
J. Matthew Stephens
Attorney for Plaintiff
Rueben Ray Smitherman

OF COUNSEL:
McCallum, Methvin & Terrell, PC
The Highland Building
2201 Arlington Avenue South
Birmingham, AL 35205
Phone: (205) 939-0199
Facsimile: (205)